

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers
FROM/PHONE: Patrick Lynn, Police Chief/954-693-8320
PREPARED BY: Daniel J. Stallone, Esq., Code Compliance Official
SUBJECT: Ordinance
AFFECTED DISTRICT: All

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING TOWN CODE SECTION 12-243(D)(1) ENTITLED "ELECTION CAMPAIGN SIGNS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: It is the purpose of this ordinance to regulate the requirements for placement, schedule, and applicable relevant criteria related to the use of election campaign signs in the Town. This ordinance seeks to balance the effects upon the public's aesthetics and safety, with the provision of an adequate forum that communicates election campaign messages for the citizens of the Town.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve ordinance

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING TOWN CODE SECTION 12-243(D)(1) ENTITLED "ELECTION CAMPAIGN SIGNS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Police Department's Code Compliance Division desires to amend Chapter 12-243(D)(1) which is entitled "Election Campaign Signs"; and

WHEREAS, it is in the interest of the residents and citizens of the Town of Davie to insure that all political and election campaign signs in the town shall adhere to the necessary code requirements to insure aesthetically appropriate and safe placement of such signs; and

WHEREAS, the Town Council of the Town of Davie is satisfied that their concern for maintaining the Town's aesthetics while providing equitable regulations for political and election campaign signs that will insure through appropriate usage that the public health, safety and welfare has been addressed through the amendment and revision of this code; and

WHEREAS, by the enactment of the code revisions in this ordinance, the Town Council will insure the creation of fair and equitable procedures that will enable the Town to regulate both the impact upon the Town's aesthetics and the assurance of the citizens' public safety while providing reasonable parameters for all political and election campaign signs placed in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Purpose. It is the purpose of this ordinance to regulate the requirements for placement, schedule, and applicable relevant criteria related to the use of election campaign signs in the Town. This ordinance seeks to balance the effects upon the public's aesthetics and safety, with the provision of an adequate forum that communicates election campaign messages for the citizens of the Town. It is also intended to establish reasonable and uniform regulations to preclude the proliferation of illegal or unsafe signs in any election campaign period, with the appropriate application of existing code enforcement methods. It is not the purpose or the effect of this ordinance to impose a limitation or restriction upon the use of election campaign signs but only to insure that the appropriate requirements are clearly identified and effectuated by such provisions.

SECTION 2. Definitions.

Political or election campaign signs. Temporary signs advertising political parties, political agendas or candidates for election.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2009

PASSED ON SECOND READING THIS ____ DAY OF _____, 2009

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2009

Proposed Election Sign Code Revisions

Section 12-243 (D)

(1) *Political or election campaign signs.* Temporary signs advertising political parties, political agendas or candidates for election may be erected or displayed and maintained provided that:

(a) The size of any such political or election campaign sign ~~is not in excess of~~ shall not exceed sixteen (16) square feet on any commercially zoned property and shall not be greater than four (4) square feet on any residentially zoned property; additionally, no more than one political or election campaign sign for any political candidate or agenda shall be permitted upon any property identified by a single folio or property identification number in the public records of the Broward County Property Appraiser's Office.

(b) The political or election campaign signs shall not be erected or displayed earlier than thirty (30) days prior to the election to which they pertain except as noted herein. ~~A list of locations must be filed at the time of deposit (see paragraph (c) below).~~ All political parties, political candidates or authorized agents shall use the registration form provided herein prior to the placement of any signs and shall register separately for each election except that a successful party or candidate in its own party's primary elections may maintain its registration with the Town Clerk's Office for the subsequent election that will occur in the same election cycle.

(c) The political party or candidate, or ~~an~~ its authorized agent ~~deposits with the town clerk the sum of one hundred dollars (\$100.00) per each thirty (30) signs erected, or fraction thereof, as a~~ shall guarantee insure that all ~~the~~ of their election campaign signs ~~will be~~ are removed within seven (7) days after the date of the election to which the signs relate, though a successful political party or candidate may maintain such signs after a primary election for the subsequent election that will occur in the same election cycle.

(d) The political and election campaign signs shall be properly disposed of and the town encourages the political party or candidate, authorized agents and citizens to recycle all election campaign signs. If the signs are not removed from all locations in the town at the end of the seven (7) day removal period, the town shall have them removed and ~~keep the full sum deposited~~ shall be reimbursed by the political party or candidate, or an authorized agent ~~the town~~ for expenses incurred in the sign removal which shall equal the cost recovery fee of ten (\$10) dollars per political and election campaign sign retrieved as per the Town's code compliance cost recovery program fine schedule found in code

section 6-9 (c). All cost recovery fees shall be payable to the Town within thirty (30) days after the date for the election from which such fees did accrue.

(d e) The provisions of this section shall not apply to what are commonly referred to as "bumper stickers" or "car-top" signs when such signs are placed on motor vehicle bumpers or tops, respectively.

(e f) No political or election campaign signs of any type or size, advertisements, handbills, snipe signs or billboards shall be placed on property owned or used by the town at any time including but not limited to the town's rights-of-way, swales, medians, poles, trees, fences or buildings. ~~or by other governmental agencies or units in the incorporated areas of the town.~~

(g) The Town recognizes the right of other governmental agencies or units in the incorporated areas of the town to permit the display of political and election campaign signs on their jurisdictional properties; however, the Town reserves the right to remove any political and election campaign signs that may inhibit traffic visibility, prohibit or disrupt entry upon public lands or any similar types of nuisance conditions notwithstanding that such signs placed thereupon shall be subject to all further requirements found herein.

(h) All political and election campaign signs shall be maintained in an upright condition and kept in good repair during the active election cycle or the signs shall be removed by the Town and applicable sign retrieval cost recovery fees shall apply.

(i) Any violation of this section shall result in ~~the forfeiture of the deposit required under paragraph (c) above and shall be subject to further ordinance~~ additional code enforcement penalties.

(2) Severability.

This chapter and its sections hereunder, are hereby declared to be independent divisions, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any section of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections and the application of such sections to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections would have been passed independently of such section or provision so known or found to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.